

NNSA RESPONSES TO INDUSTRY COMMENTS/QUESTIONS ON THE
REVISED (12-23-05 VERSION) DRAFT RFP DE-RP52-06NA25694

1. There is still one supply clause in Section E – FAR 52.246-14.

RESPONSE: THE CLAUSE HAS BEEN DELETED.

2. Section I - Contract Clauses: Clause FAR 52.250-1 still doesn't appear in RFP.

RESPONSE: NNSA HAS DETERMINED THAT FAR 52.250-1 WILL NOT BE INCLUDED; HOWEVER, DEAR 952.250-70 HAS BEEN INCLUDED.

3. Section J, Attachment 1 – Statement of Work, Paragraph 4(a)(6) May offerors rely on the “two occasions over the last two years” for pricing using all seven aircraft at once? That is, will the government treat requirements in excess of this number as a compensable change under the Changes clause?

RESPONSE: THE EXAMPLE PROVIDED IN NNSA'S RESPONSE TO QUESTION 75 IN THE FIRST ROUND OF INDUSTRY COMMENTS/QUESTIONS IS HISTORICAL DATA INDICATIVE OF RARE CIRCUMSTANCES THE OFFEROR MAY BE REQUIRED TO PERFORM. FOR PRICING PURPOSES, OFFERORS ARE CAUTIONED TO FOCUS THE COST OF (A) PROVIDING THE FLYING HOURS SPECIFIED IN THE CONTRACT, AND (B) MEETING THE 80% AIRCRAFT FLEET AVAILABILITY RATE SPECIFIED IN THE SOW. A COMPENSABLE CHANGE UNDER THE CONTRACT WOULD ONLY APPLY IF NNSA DIRECTS ADDITIONAL FLYING HOURS EXCEEDING THE QUANTITY SPECIFIED IN THE CONTRACT.

4. Section J, Attachment 1 – Statement of Work, Paragraph 4(b)(4) If special equipment and tooling, in addition to what is already provided by the government, are needed to perform maintenance and inspections on site, will the government provide the special equipment and tooling? If not, may the contractor propose based on outsourcing such work if it is less expensive than purchasing special equipment and tooling?

RESPONSE: YES. THE GOVERNMENT WILL PROVIDE SPECIAL EQUIPMENT AND TOOLING IN ACCORDANCE WITH THE STATEMENT OF WORK.

5. Please confirm that the DC-9 C-check, although it is included on the DC-9 Scheduled Maintenance Tasks listed at Att. 5, Section L, is NOT to be included in the fixed price proposal.

RESPONSE: CONFIRMED. SECTION L004(c)(4) SPECIFIES THE FIRM-FIXED PRICE IS NOT TO INCLUDE THE DC-9 C-CHECK. SIMILARLY, L004(c)(8) SPECIFIES THE DC-9 C-CHECK WILL BE A REIMBURSABLE EXPENSE UNDER ITEM 0007.

6. Section J, Attachment 1 – Statement of Work, Paragraph 4(a) Even though the number of flying hours is limited, the statement of work is written to require 24/7/365 support with all seven aircraft. As written, the contractor must assume considerable risk of schedule variations. For example, although the maximum number of flight hours is specified, these hours can be expended in a very uneven pattern – such as having several very heavy usage months, or requiring many flights on nights/weekends/holidays, or having many aircraft flying at the same time on many occasions. Would it be acceptable for the offeror to specify the limits of its proposal and to treat excessive usage during a fixed period as a change? Or would it be possible for NNSA to establish some limits in the SOW? If the contractor must staff to meet the highest usage rate/schedule, the price will be exorbitant.

RESPONSE: NO. THE STATEMENT OF WORK SPECIFIES A MINIMUM AIRCRAFT FLEET AVAILABILITY RATE OF 80%. THE CONTRACTOR MUST STAFF TO MEET USAGE RATES TO THE MAXIMUM NUMBER OF FLIGHT HOURS SPECIFIED IN THE RFP. FLYING HOURS IN EXCESS OF THE MAXIMUM NUMBER SPECIFIED IN THE CONTRACT WOULD BE CONSIDERED A CHANGE. OFFERORS ARE CAUTIONED THAT THE OST AVIATION MISSION IS NOT ONE THAT CAN BE CHARACTERIZED AS A REPETITIVE SCHEDULED

ACTIVITY. IN RESPONSE TO A PREVIOUS QUESTION, A TYPICAL THREE-WEEK FLIGHT SCHEDULE WAS PROVIDED AS WELL AS A LIST OF TYPICAL DESTINATIONS, AND AN EXPLANATION OF OST'S MISSION WEEK/TRAINING WEEK CYCLE. THIS WAS PROVIDED TO ALLOW OFFEROR'S TO UNDERSTAND THE LEVEL OF OPERATIONS TEMPO THAT CAN BE ANTICIPATED. SEE ALSO THE RESPONSE TO QUESTION 3 ABOVE.

7. Section J, Attachment 1 – Statement of Work, Paragraph 3(c) requires Contractor to hold a Supplemental Air Carrier operating certificate (14 CFR Part 121). Can this be a Cargo-Only certificate or must it include Passengers? The Preaward Inspection Checklist has several references to passenger-related qualifications. (Section J, Attachment 8).

RESPONSE: NO. THE SUPPLEMENTAL AIR CARRIER CERTIFICATE CANNOT BE CARGO ONLY.

8. Section J, Attachment 1 – Statement of Work, Paragraph 4(a)(1) – Please provide the AC number of the referenced “FAA risk assessment advisory circular.”

RESPONSE: AC 120-71A, STANDARD OPERATING PROCEDURES FOR FLIGHT DECK CREWMEMBERS, IS VERY HELPFUL AND CONTAINS REFERENCES IN PARAGRAPH 5 THAT ADDRESS CONTROLLED FLIGHT INTO TERRAIN, APPROACH AND LANDING RISK AWARENESS TOOLS, AND COMMUNICATIONS AND COORDINATION BETWEEN FLIGHT CREWMEMBERS. ALSO SEE FAA ORDER 8040.4, SAFETY RISK MANAGEMENT; FAA SAFETY MANAGEMENT SYSTEM MANUAL; FAA SYSTEMS SAFETY MANUAL; FAR PART 25.1309.

9. Section J, Attachment 1 – Statement of Work, Paragraph 4(a)(10) – Please identify “references given at item (i).” Does this mean the list at H022? Also, please clarify the term “all invoices” in the next to last sentence. Does that mean all invoices for reimbursable expenses related to the flight?

RESPONSE: THE PARAGRAPH HAS BEEN REVISED TO REPLACE “ITEMS (i)” WITH “CLAUSE H022,” AND TO REPLACE “ALL INVOICES” WITH “ALL INVOICES FOR REIMBURSABLE EXPENSES RELATED TO THE FLIGHT.”

10. Section J, Attachment 1 – Statement of Work, Paragraph 5(e) – This subparagraph identifies the contractor's input into FAIRS. Please provide additional information about the content of cost reports. Are these costs to be the contractor's costs or the government's costs? Does the Administrative Overhead Cost refer to the contractor's costs? Reporting internal costs on a fixed price contract would be very unusual. Please clarify that this is what NNSA believes is required and, if so, in what kind of detail and subject to what kind of audit?

RESPONSE: SINCE FAIRS REQUIRES COSTS TO BE REPORTED IN VARIOUS CATEGORIES INCLUDING ADMINISTRATIVE OVERHEAD, THE CONTRACTOR MUST PROVIDE CONTRACTOR COSTS PER CATEGORY FOR INPUT INTO FAIRS -- THESE ARE CONTRACTOR COSTS. ALTHOUGH UNUSUAL, THE INTERNAL COSTS ARE STILL REQUIRED REPORTS FOR GOVERNMENT AVIATION PROGRAMS. THE CONTRACTOR MUST BREAK OUT FIXED COSTS INTO THE APPROPRIATE CATEGORIES TO MEET FAIRS DATA REQUIREMENTS AS WELL AS TO SUPPORT DOE G 440.2B-1. THE LEVEL OF DETAIL IS PER THE GSA COST ACCOUNTING GUIDE. ALL GOVERNMENT DATA IS SUBJECT TO AUDIT BY A COGNIZANT GOVERNMENT AGENCY.

11. Section L003(b)(1) clearly states that the prime contractor must have a Part 121 certificate and cannot rely on the Part 121 certificate of a team member. Evaluation factor M002(a)(1) uses the broader term “offeror.” Suggest that the evaluation factor be specific as to the requirement that the prime contractor must possess the certificate.

RESPONSE: SECTION M002(a)(1) HAS BEEN REVISED TO CLARIFY THE EVALUATION FACTOR.

12. Section L003(b)(3) asks the offeror to demonstrate “how this experience is related to the Statement of Work” and to describe the “relevancy of its experience to this proposed contract and describe how this contract will benefit from the offeror’s experience.” Evaluation factor M002(a)(3) only requires that the offeror have three years experience conducting Part 121 certificate operations and does not evaluate relevance. If relevance is a factor, please so express it in Section M. Also, although the prime contractor must possess the Part 121 certificate, this criterion provides for evaluating the “Offeror, including team members.” Section L, Att. 8, p. 2, Evaluation Factor 3 – Corporate Experience. Should this evaluation of Part 121 experience be confined to the prime contractor/certificate holder?

RESPONSE: SECTION M002(a)(3) HAS BEEN REVISED TO CLARIFY THE EVALUATION FACTOR.

13. Section I - Contract Clauses: 52.228-5 Insurance – please specify the kinds and minimum amounts of insurance required by the government under this clause.

RESPONSE: THE CLAUSE “H017 STANDARD INSURANCE REQUIREMENTS” HAS BEEN ADDED WHICH SPECIFIES THE TYPE AND AMOUNT OF COVERAGE THE CONTRACTOR SHALL PROVIDE AT ITS OWN EXPENSE, AND THE TYPE AND AMOUNT OF AIRCRAFT INSURANCE TO BE PROVIDED BY NNSA.

14. Item 7 for reimbursable expenses provides for reimbursement of pre-contract costs for transition activities (not to exceed \$100,000, and does not include any pilot certification training). The time and cost for putting DC-9 aircraft on 14 CFR 121 operations specifications will easily exceed item 7 of \$100,000.

RESPONSE: THE \$100,000 WAS ONLY AN ESTIMATE AND HAS BEEN DELETED ALONG WITH THE REFERENCE TO PRE-CONTRACT COSTS FOR TRANSITION ACTIVITIES. WITH THE EXCEPTION OF PILOT CERTIFICATION TRAINING AND FAA-REQUIRED PROVING FLIGHTS, NNSA WILL REIMBURSE THE CONTRACTOR UNDER ITEM 0007 FOR THE ADMINISTRATIVE COSTS OF PLACING THE AIRCRAFT ON THEIR 121 CERTIFICATE, WHEN PRE-APPROVED IN WRITING BY THE CONTRACTING OFFICER.

15. The RFP also proposes that the aircraft be on the operations specifications within 120 days of contract award. Having recently included a new aircraft type on our operations specifications I can say that 120 days would assume a flawless submittal by the operator to the FAA and adequate resources in the FAA to process and respond to the request. Recommend that the DOE/NNSA contact the FAA Certification, Standardization, and Evaluation Team (CSET), and ask for a realistic estimate of the cost and time to put transport category aircraft on a CFR 14 Part 121 Supplemental Air Carrier Operating Certificate. Contact information: Air Carrier Certification, Certification Section Manager, Phone: (703) 362-9186.

RESPONSE: THE STATEMENT OF WORK HAS BEEN REVISED TO PROVIDE FLEXIBILITY IN THE TIME FRAME REQUIRED TO PLACE THE AIRCRAFT ON THE CONTRACTOR'S OPERATIONS SPECIFICATIONS.

16. As part of the process of getting an aircraft listed on an operator's 121 Certificate Ops Specs, the aircraft records must undergo a thorough inspection to ensure conformity to the operator's FAA approved maintenance program. Besides being a regulatory requirement, this process is also necessary to determine the cost of adding said aircraft to the operator's Ops Specs. If the aircraft does not conform to the operator's FAA approved maintenance program, it may be necessary, due to time/cycle limitations, modification status, or outstanding AD's, to replace components to bring the

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aircraft into compliance. Without having access to the aircraft records or at least a copy of the maintenance program under which the aircraft is being operated, this places a new bidder at a distinct disadvantage as far as being able to estimate the cost of bringing the aircraft onto the 121 certificate.

RESPONSE: OFFERORS ARE NOT REQUIRED TO ESTIMATE THE COST OF PLACING THE AIRCRAFT ON THEIR 121 CERTIFICATE. WITH THE EXCEPTION OF PILOT CERTIFICATION TRAINING AND FAA-REQUIRED PROVING FLIGHTS, NNSA WILL REIMBURSE THE CONTRACTOR UNDER ITEM 0007 FOR THE ADMINISTRATIVE COSTS OF PLACING THE AIRCRAFT ON THEIR 121 CERTIFICATE WHEN PRE-APPROVED IN WRITING BY THE CONTRACTING OFFICER. NNSA WILL PROVIDE THE CONTRACTOR WITH ALL AIRCRAFT RECORDS INCLUDING MAINTENANCE RECORDS NEEDED FOR PLACING THE AIRCRAFT ON THEIR 121 CERTIFICATE.

17. We do have a concern regarding the words technically acceptable lowest price with no technical approach in Section L/M. Our concern generates from our experience in both Commercial and Government fleet support programs. In order to provide the performance specified in your scope of work which is distinctly tailored to your mission and operation, a part 121 certification might not necessarily install the management system necessary to achieve the desired metrics and the associated price may not be realistic. We feel the experience section may offer some relief for this issue, but a better solution may be a distinct requirement to address your scope with a Performance Based Logistics approach as a Part 121 Certified Operation.

RESPONSE: NNSA HAS DETERMINED THE EVALUATION FACTORS CURRENTLY SPECIFIED IN SECTION M OF THE RFP ARE SUFFICIENT TO IDENTIFY TECHNICALLY ACCEPTABLE OFFERORS. HOWEVER, AN OFFEROR HAVING A SUPERIOR APPROACH LEADING TO COST SAVINGS MAY FACTOR THIS INTO THEIR PRICE PROPOSAL.